

Fiscal Services Division Legislative Services Agency Fiscal Note

HF 2135 - Body Piercing (LSB 5504 HV)

Analyst: Lisa Burk (Phone: (515) 281-7942 (lisa.burk@legis.state.ia.us))

Fiscal Note Version - New

Description

House File 2135 prohibits an individual from providing body piercing, including ear piercing, to a minor without obtaining written consent from the minor's parent prior to the procedure, and provides that performing body piercing without parental consent is a serious misdemeanor.

House File 2135 also requires the Department of Public Health to develop the form to be used in obtaining written parental consent and to provide for exceptions based on religious tenets or cultural practices. In addition, the Bill provides that if the Department determines that an individual providing body piercing to a minor does not obtain the written consent of a parent, the Department may order the establishment to cease operation or may request that the county attorney or the Attorney General seek an injunction against the establishment.

Assumptions

1. The total number of establishments that provide body piercing, including ear piercing, is unknown.
2. The Department of Public Health will develop and distribute the consent form to an undetermined number of establishments, and will provide educational outreach regarding the law.
3. The Department of Public Health will have to determine which religious tenets and cultural practices that include body piercing qualify as exceptions to the law.
4. The Department of Public Health will receive and investigate 50 complaints per year regarding body piercing procedures performed on minors without parental consent, as well as provide for enforcement.
5. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
6. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projection period.
7. The law will become effective July 1, 2004. A lag effect of six months is assumed from the law's effective date to the date of first entry of affected offenders into the correctional system (to allow for court case processing time).
8. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2003 data.
9. The median cost per case for indigent defense for a serious misdemeanor is \$500.
10. The marginal cost per inmate for jail time served is \$15 per day.
11. The marginal cost per day for probation is \$1.88 per offender. The average length of stay for a serious misdemeanor is 14 months on probation.
12. The average cost for serious misdemeanor trials without a jury is \$99 per case. (The average cost for one jury trial is \$489.)
13. The average length of stay in jail is 10 days for the violation of body piercing regulations.

Correctional Impact

The correctional impact for HF 2135 is anticipated to be minimal. The Bill will put one individual in jail per year. Based on FY 2003 data, seven individuals will be convicted per year of providing body piercing to a minor without parental consent. (In the first year, there will be four convictions due to the six-month lag). Also, in the first year, one person will be placed on probation and for each year thereafter two people will be placed on probation.

Fiscal Impact

The fiscal impact of HF 2135 is as follows:

State	Year 1	FTEs	Year 2	FTEs	Year 5	FTEs
	FY 2005		FY 2006		FY 2009	
Public Health	\$ 65,000	1.0	\$ 65,000	1.0	\$ 65,000	1.0
Corrections - Probation	1,000		2,000		2,000	
Court Costs	1,000		2,000		2,000	
Total	<u>\$ 67,000</u>	<u>1.0</u>	<u>\$ 69,000</u>	<u>1.0</u>	<u>\$ 69,000</u>	<u>1.0</u>

House File 2135 will require the Department of Public Health to add 1.0 FTE position for an Environmental Specialist and associated support costs to provide for administration and enforcement associated with the Program (as reflected above).

House File 2135 is expected to have a minimal impact on local jail costs (less than \$500 annually).

Sources

Attorney General
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Public Health

Dennis C Prouty

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
